

United States District Court
for
the District of Nevada

REQUEST FOR MODIFICATION
TO CONDITIONS OF SUPERVISION WITH CONSENT OF OFFENDER
Probation Form 49 (Waiver of Hearing) is Attached
April 14, 2017

Name of Offender: **Fontrell Baines**

Case Number: **2:14CR00036**

Name of Sentencing Judicial Officer: **Honorable Andrew P. Gordon**

Date of Original Sentence: **October 30, 2014**

Original Offense: **Felon in Possession of a Firearm**

Original Sentence: **30 Months prison, followed by 36 Months TSR.**

Date Supervision Commenced: **February 17, 2017**

Name of Assigned Judicial Officer: **Honorable Andrew P. Gordon**

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

1. **Access to Financial Information** - You shall provide the probation officer access to any requested financial information, including personal income tax returns, authorization for release of credit information, and any other business financial information in which you have a control or interest.

Baines is currently unemployed, however, each time this officer has met with the offender he has had about \$500 to \$1000 in cash on his person. In addition, this officer has had reports from the staff at Residential Reentry Center (RRC) that the offender has had a few different people come to the RRC to drop off money for him including an exotic dancer by the name of Black Barbie.

2. **Computer Restriction and Monitoring** -The defendant shall keep the probation officer accurately informed of all computers and computer related digital devices or equipment with memory and/or wireless capabilities that he/she owns, uses, possesses or has access

RE: Fontrell Baines

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Rev. June 2014

to. This includes, but is not limited to, desktop, laptop, and tablet computers, smart phones, cameras, digital readers, and thumb drives. The defendant shall provide to the probation officer all device and program passwords and internet service provider information, upon request. The defendant shall consent to the installation of any hardware or software systems on any computer or computer related digital device, to monitor the use of said equipment, at the direction of the probation officer; and the defendant agrees not to tamper with such hardware or software and not install or use any software programs designed to hide, alter, or delete his/her computer activities. Furthermore, the defendant shall consent to the inspection, imaging, copying of data, or removal of any device to ensure compliance with conditions.

The offender has several social media accounts that he has utilized to make contact with other criminal associates, however he has failed to provide this officer with the passwords. This officer has been able to view some of the pictures and videos on the social media and it depicts the offender associating with felons, in possession of firearms, smoking marijuana and other illegal substances. While at the RRC the offender was found to have a few different cell phones in his possession, specifically a white iPhone 6 which was missing the sim card and a black Samsung galaxy which was password protected. The phones were a violation of the RRC policy and were confiscated by staff at the RRC.

3. **Debt Obligations** - You shall be prohibited from incurring new credit charges, opening additional lines of credit, or negotiating or consummating any financial contracts without the approval of the probation officer.

This officer made contact with the offender at the RRC and a search was conducted by RRC staff of his bunk and he was found to have several receipts from Macy's and other high end clothing stores from the past week showing purchases he recently made. The offender also had a receipt stating he opened a new Macy's charge card 2 days ago at the Fashion Show Mall. The offender also had a receipt from a jeweler indicating he put down \$1100 on a chain and owed a balance of \$3000. The offender also had several brand new pairs of sneakers that were still in the box underneath his bunk.

CAUSE

On February 1, 2017, Baines supervised release was revoked and he was sentenced to 3 months custody, with credit for time served. O new term of supervision commenced on February 17, 2017, and as a condition of his supervision he was given 3 months placement at the Residential Re-entry Center (RRC). Since being at the RRC, the offender was robbed and beaten and was sent to the hospital along with the other party and a police report was filed.

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Due to the offender not providing accurate information to his case manager, and lying about the places where he actually went, he has had limited passes to leave the RRC. However, the halfway house staff has contacted this officer and advised that the offender has had a few male friends come by to drop off money for him. In addition, the offender has also had an exotic dancer by the alias of "Black Barbie" come to the RRC and drop off a large amount of cash, clothes and food for him. When asked about this, the offender just stated that these people "owed" him money before he went to prison. On more than one occasion, this officer has seen the offender with a large amount of cash, specifically \$500 or more in his pockets and he has been questioned about it and his reply was that he likes to walk around with cash on him.

On April 12, 2017, this officer contacted the offender, early in the morning, on his new cell phone number that he had provided and spoke to him about giving an invalid urinalysis in the probation office the previous day. The offender sounded like he was still in bed and this officer asked him as much and he stated that he still was. The RRC has a strict policy that all offenders are not to have smart phones in their bunks and any cell phone should be registered with them and kept at the front desk.

On April 14, 2017, this officer went to the RRC to discuss the phone issue with Assistant Director Jennifer Baker. Ms. Baker along with a male staff member and this officer went to the offender's bunk and it was searched for contraband. The offender was found to have \$1000 in cash on his person in his pockets, all crisp bills that looked like he recently went to the ATM. In addition, a white iPhone 6 was found and this officer asked if this was the same phone he had used to talk to this officer on and he stated it was. This officer attempted to look through the phone, however wasn't able to because there was no SIM card. The offender was asked where the SIM card was and he states he did not know and he didn't have one. Another black Samsung Galaxy phone was also found and this phone had the offender's bank card and a Palms Casino hotel key. This phone was password locked and this officer asked the offender what the password was and he states he did not know. Both phones were confiscated by RRC staff.

The offender has been unemployed since his release and yet he still has had an ample supply of money on him at all times. RRC staff also found several receipts from Macy's at Fashion Show Mall and other high end stores indicating that the offender had been shopping although he was never given a pass to go there. The offender also had a receipt indicating he recently opened a Macy's charge card and he would be receiving it in the mail in a few days. The offender also had a receipt from a Jeweler stating that he put down \$1100 on a chain and had a balance of \$3000 that was still owed.


In light of the offender, lying to the probation officer and also lying to the RRC staff as well as the large amounts of cash he has had on him, the shopping sprees, and the suspicious activities of people dropping off money to him and coupled with the fact that he has no income or employment, this officer believes that the addition of these 3 requested conditions is warranted.

This officer respectfully requests that the offender's conditions be modified to include the following conditions: Access to Financial Information, Debt Obligations, and Computer Restriction and Monitoring. The offender has signed the Prob 49 Waiver of Hearing and has agreed to these conditions.

RE: Fontrell Baines


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Respectfully submitted,

 Donnette L. Johnson
2017.04.19 17:47:01
-07'00'

Donnette Johnson
United States Probation Officer

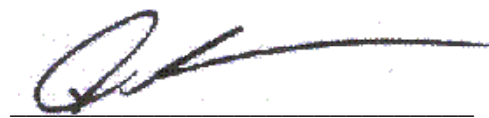
Approved:

 Benjamin Johnson
2017.04.14 17:22:38
-07'00'

Benjamin B. Johnson
Supervisory United States Probation Officer

THE COURT ORDERS

- ☐ No Action.
- ☐ The extension of supervision as noted above.
- ☒ The modification of conditions as noted above
- ☐ Other (please include Judicial Officer instructions below):


Signature of Judicial Officer

April 20, 2017
Date

UNITED STATES DISTRICT COURT

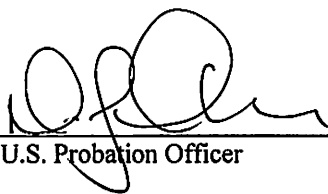
District of Nevada

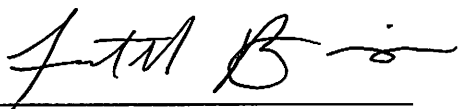
Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

1. **Debt Obligations** - You shall be prohibited from incurring new credit charges, opening additional lines of credit, or negotiating or consummating any financial contracts without the approval of the probation officer.
2. **Access to Financial Information** - You shall provide the probation officer access to any requested financial information, including personal income tax returns, authorization for release of credit information, and any other business financial information in which you have a control or interest.
3. **Computer Restriction and Monitoring** -The defendant shall keep the probation officer accurately informed of all computers and computer related digital devices or equipment with memory and/or wireless capabilities that he/she owns, uses, possesses or has access to. This includes, but is not limited to, desktop, laptop, and tablet computers, smart phones, cameras, digital readers, and thumb drives. The defendant shall provide to the probation officer all device and program passwords and internet service provider information, upon request. The defendant shall consent to the installation of any hardware or software systems on any computer or computer related digital device, to monitor the use of said equipment, at the direction of the probation officer; and the defendant agrees not to tamper with such hardware or software and not install or use any software programs designed to hide, alter, or delete his/her computer activities. Furthermore, the defendant shall consent to the inspection, imaging, copying of data, or removal of any device to ensure compliance with conditions.

Witness 
U.S. Probation Officer

Signed 
Probationer or Supervised Releasee

4-18-2017
Date